

V. REMARKS

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims are amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

Claim 1 is rejected under 35 U.S.C. 102(a) as anticipated by WO 2004/63044. The rejection is respectfully traversed.

Under 35 U.S.C. §102, it states:

A person shall be entitled to a patent unless

(a) the invention was ... patented or described in a printed publication in this or a foreign country before the invention thereof by the applicant for a patent.

It is respectfully submitted that the rejection is improper because the invention in WO 2004/63044 was not patented or described in a printed publication before the invention date of the present invention. The issue is the invention date of the present invention relative to the publication date of the applied art. As indicated in the Declaration for US Patent Application signed by the Applicant on August 27, 2003, two (2) Japan applications are listed, namely, JP 173928/2002 that was filed on June 14, 2002, in the Japanese Patent Office and JP 355044/2002 that was filed on December 6, 2002. Although priority for these applications has not been claimed, it is assumed that the invention date of the present invention is at least December 6, 2002.

The publication date of WO 2004/63044 is July 24, 2004, and the filing date is January 14, 2003. The invention date of the present invention, that is, at least December 6, 2002, precedes the publication date of the prior art reference, WO 2004/63044. Thus, it is respectfully submitted that the prior art invention that was described in a printed publication in a foreign country did not occur before the invention date of the present invention. Thus, it is respectfully submitted that WO 2004/63044 cannot be applied to the present invention as a basis for the rejection.

Attached is Japanese-language JP 2003-155052A accompanied by an English-language Abstract of the same for review by the Examiner. JP 2003-155052A shows

all of the drawing figures except Figures 14-16 of the present application. However, all of the elements of claims 1-three are written in JP 2003-155052A.

Withdrawal of the rejection is respectfully requested.

Claims 2 and 4 are rejected under 35 U.S.C. 102(b) as anticipated by Walker (U.S. Patent No. 4,007,851). The rejection is respectfully traversed.

Walker discloses a cap of the type having a shell with integral top and side walls, a knurl region adjacent to the top wall, and with threads provided on the side wall for engagement with the threaded neck of a bottle to contain pressurized fluids. The threads are limited to about 1.25 turns. The cap includes venting openings in the side wall contiguous to the knurl region for releasing the pressure within the closure sufficiently to prevent missing of the cap when the closure is initially turned to unthread it from the bottle.

Claim 2 is directed to metal cap for a container with the metal cap having a knurl part with slits formed on an outer perimeter thereof so as to release outside an inner pressure of the container generated from contents contained therein. Claim 2 recites that the knurl part comprises plural of knurls having slits and at least one communicating slit is formed in a gap between the adjacent knurls communicating the adjacent slits to form a long width slit.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each element of claim 1. Specifically, it is respectfully submitted that the applied art fails to teach plural of knurls having slits and at least one communicating slit being formed in a gap between the adjacent knurls communicating the adjacent slits to form a long width slit. As a result, it is respectfully submitted that claim 2 is allowable over the applied art.

Claim 4 depends from claim 4 and includes all of the features of claim 2. Thus, it is respectfully submitted that claim 4 is allowable at least for the reason claim 2 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

Claim 3 is rejected under 35 U.S.C. 103(a) as unpatentable over WO 2004/63044 in view of Walker. The rejection is respectfully traversed.

Claim 3 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that claim 3 is allowable at least for the reason claim 1 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

Newly-added claims 5-7 also include features not shown in the applied art.


In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe Fanything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

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By:

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Enclosure(s): Amendment Transmittal
 Japanese-language JP 2003-155052A
 English-language Abstract of JP 2003-155052A

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